

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

EDWARD A. GARDNER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:04cv337-KS-MTP

**SWEDISH MATCH NORTH
AMERICA, INC., ET AL**

DEFENDANT

JUDGMENT OF DISMISSAL

This cause comes before the Court sua sponte, the parties having announced that they have reached a compromise and settlement of all pending claims in this matter. Accordingly, the Court being desirous of removing this matter from its docket;

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is hereby dismissed with prejudice as to all parties. By agreement of the parties, the Court hereby retains jurisdiction to enforce the settlement agreement, and if any party fails to consummate this settlement within 21 days, any aggrieved party may reopen the case for enforcement of the settlement agreement within ninety (90) days thereafter; and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to consummate the agreement.

IT IS FURTHER ORDERED AND ADJUDGED that this matter having been concluded, all motions pending in this matter, if any, are hereby moot and accordingly dismissed.

SO ORDERED AND ADJUDGED this 15th day of September, 2006.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE